

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**F.A.O. No. 195 of 2000
Date of decision : 7.2.2007**

Nasib Kaur & Anr.

.....Appellants.

Versus

Randhir Singh & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Ashok Jindal, Advocate
for the appellants.

Mr. R.S. Ahluwalia, Advocate
for Pepsu Road Transport Corporation
respondent Nos. 2 & 3.

VINOD K. SHARMA, J. (ORAL)

This is claimants' appeal against the award passed by the learned Motor Accident Claims Tribunal, Bathinda. The claim petition was filed by the appellants seeking compensation to the tune of Rs. 7,00,000/- (Rs. seven lac only) on account of death of Balbir Singh in a motor vehicular accident which took place involving bus No.PB-11-B-9276 on 7.10.1997.

The learned Tribunal on the basis of evidence brought on record came to the conclusion that Randhir Singh was driving bus No. PB-11-B-9276 in rash and negligent manner on 7.10.1997 and caused injuries to Balbir Singh deceased. The Tribunal also held that the claimants are the legal heirs of deceased Balbir Singh. However, on issue No.3, the learned Tribunal was pleased to grant compensation to the tune of Rs. 96,000/- (Rs. ninety six thousand only). In coming to this conclusion the Tribunal had

taken the monthly income of the deceased to be Rs. 2000/- p.m. and out of this a sum of Rs. 1000/- p.m. was deducted towards personal expenses, even though the family of deceased consists wife and two Children. Balbir Singh was aged 50 years, however, multiplier of 8 was applied.

The learned counsel for the appellant contended that in view of the family of the deceased deduction of more than $1/3^{\text{rd}}$ of income was not justified. I find force in this contention and accordingly assess the dependency of the claimant-appellant to be Rs. 1300/- (Rs. one thousand and three hundred only) per month.

Keeping in view the age of the deceased the multiplier should have been 13 and accordingly compensation payable on account of death of Sh. Balbir Singh is assessed at Rs. 2,02,800/- (Rs. two lac two thousand and eight hundred only). Besides this the claimants would also be entitled to the consortium and funeral expenses of Rs. 7,000/-. The finding on issue No.3 is, thus, modified and it is held that the claimants would be entitled to a sum of Rs. 2,09,800/- (Rs. two lac nine thousand and eight hundred only) as compensation on account of death of Sh. Balbir Singh. In addition, the claimants would also be entitled to interest @ 9% per annum on the enhanced amount from the date of filing of claim petition.

Disposed of.

7.2.2007
'sp'

(VINOD K. SHARMA)
JUDGE